

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

COURTNEY R. LOGAN

PETITIONER

V.

NO. 4:20-CV-144-DMB-JMV

STATE OF MISSISSIPPI

RESPONDENT

ORDER

On or about August 10, 2020, Courtney R. Logan filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 in the United States District Court for the Northern District of Mississippi. Doc. #1. Logan’s petition challenges his 2012 convictions in the Circuit Court of Leflore County, Mississippi. *Id.* at 1.

The Antiterrorism and Effective Death Penalty Act requires that before a second or successive petition is filed in the district court, “the applicant shall move in the appropriate court of appeals for an order authorizing the district court to consider the application.” 28 U.S.C. § 2244(b)(3)(A). Section “2244(b)(3)(A) acts as a jurisdictional bar to the district court’s asserting jurisdiction over any successive habeas petition until [the Fifth Circuit] has granted the petitioner permission to file one.” *Crone v. Cockrell*, 324 F.3d 833, 836 (5th Cir. 2003). While “a district court may dispose of applications lacking authorization through dismissal” for lack of jurisdiction, it may, pursuant to 28 U.S.C. § 1631, transfer such a petition to the Fifth Circuit, the court with jurisdiction over the action, “upon a finding that the petition is successive.” *United States v. Fulton*, 780 F.3d 683, 686 (5th Cir. 2015).

Logan has filed at least one unsuccessful § 2254 petition concerning the same convictions which he now seeks to challenge. *See Logan v. Mississippi*, No. 4:13-CV-122, at Doc. #33 (N.D. Miss. Feb. 11, 2015). However, Logan has not obtained authorization to pursue this successive

petition. Therefore, in the interest of justice and judicial economy:

1. The Clerk of the Court shall **TRANSFER** this petition and the entire record of this case to the Fifth Circuit Court of Appeals in accordance with 28 U.S.C. § 2244(a) & (b)(3)(c), and 28 U.S.C. § 1631; and

2. This case is **CLOSED**.

SO ORDERED, this 25th day of February, 2021.

/s/Debra M. Brown
UNITED STATES DISTRICT JUDGE